

SEP 01 2005

## AFFIDAVIT

Michael N. Milby, Clerk of Court

**STATE OF TEXAS** §  
**COUNTY OF HARRIS** §

**TO BE FILED IN CAMERA AND UNDER SEAL**

REFERRED TO IN MOTION AS DECLARATION OF ATTORNEY B

Before me, the undersigned authority, personally appeared

Before me, the undersigned authority, personally appeared Charles A. Davidson, and being by me duly sworn does depose and state:

“My name is Charley Davidson. I have practiced criminal law for 27 years, both as a prosecutor and as a defense attorney.

I represent Mark Palmer, a former employee of Enron. Mark Palmer was subpoenaed by defense counsel for Joe Hirko in the recent Enron EBS criminal trial conducted in Judge Vanessa Gilmore's court which concluded on July 20, 2005.

I received telephone calls from FBI Agent Jeff Jensen on May 6, May 23 and May 24, 2005 and met with Agent Jensen on May 26, 2005 prior to Mark Palmer's testimony. During both the May 6<sup>th</sup> and 24<sup>th</sup> conversations, Jensen suggested that it was not in Mark Palmer's interest to testify for the defense inasmuch as his testimony might conflict with other witnesses' testimony. Agent Jensen also cautioned me that the defense attorneys for Joe Hirko may want to shift the blame to Mark Palmer and that it might be dangerous and not in Mark Palmer's best interest to testify.

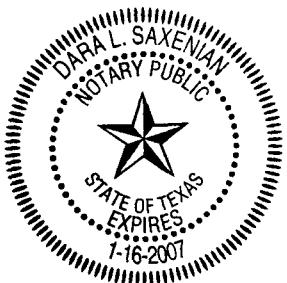
On each occasion that I spoke with Agent Jeff Jensen, he clearly stated that he felt that Mark Palmer's best interests would be served by not testifying for the defense at trial. I considered these statements to be veiled threats."

Further Affiant sayeth not.

Charley A. Davidson  
Charley A. Davidson

18th SWORN TO and SUBSCRIBED before me, the undersigned authority, on this the  
day of August, 2005

NOTARY PUBLIC IN AND FOR THE  
STATE OF TEXAS



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